GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. Chirri Vijaya Laxmi, W/o Chirri Venkateswara Rao, Occ; M.P.T.C., R/o Ramannapalem village, Jeelugumalli Mandal, West Godavari District, against the proceedings R.Dis.No.C3/E-104742/2016, dated 12.08.2017 of the District Collector, West Godavari, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.MS.No. 122 Dated: 02-08-2018
Read the following:

1. Proceedings of the District Collector, West Godavari, R.Dis.No.C3/E-10472/2016, dated 12.08.2017.
2. Appeal Petition filed by Smt. Chirri Vijaya Laxmi W/o Cherri Venkateswara Rao, Occ: MPTC R/o Rammannapalem Village, West Godavari District, through his Counsel before the Government on 28.08.2017
3. Govt. Memo No.736078/CV.2/2017, dt: 06.10.2017.
4. Order of the Hon'ble High Court of A.P., Hyderabad in W.P.No.30812/2017, dated 13.09.2017 filed by Smt. Chirri Vijaya Laxmi.
5. Govt. Memo No.736078/CV.2/2017, dated 31.10.2017.
6. From the District Collector, West Godavari, Lr.Roc.No.C3/E-104742/2017, dated 18.11.2017.
7. Govt. Memo No.736078/CV.2/2017, dated: 28.11.2017, 31.01.2018, 20.03.2018, 30.04.2018 & 05.06.2018.

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ORDER:

In the reference 1st read above, the District Collector, West Godavari has issued orders cancelling ST-Koya caste certificates obtained from the then Tahsildar, Jeelugumalli in the year 2008 & 2013 by Smt. Chirri Vijaya Laxmi, W/o Cherrri Venkateswara Rao.

2. In the reference 2nd read above, Smt. Chirri Vijaya Laxmi, W/o Chirri Venkateswara Rao, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, West Godavari. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, West Godavari in the reference 3rd read above.

3. In the reference 4th read above, Smt. Chirri Vijaya Laxmi, W/o Chirri Venkateswara Rao has filed W.P.No.30812/2017 before the Hon'ble High Court of Andhra Pradesh, Hyderabad, against the proceedings R.Dis.No.C3/E-10472/2016, dated 12.08.2017 of the District Collector, West Godavari. The Hon'ble High Court of Andhra Pradesh, Hyderabad while disposing the said WP on 13.09.2017 has directed that the appellate authority shall consider and dispose of the appeal within a period of eight weeks from the date of receipt of the order and granted stay orders on the proceedings of the Collector, pending disposal of the appeal. But, due to several administrative difficulties the matter could not be disposed off within the time limit as directed by the Hon'ble High Court in the said W.P., however, after giving notices from time to time to the Appellant through her Counsel the matter has been examined by the Appellate Authority.

4. In the reference 6th read above, the District Collector, West Godavari has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Smt. Chirri Vijaya Laxmi, W/o Chirri Venkateswara Rao.

5. The said Appeal Petition has been posted for hearing on 21.10.2017, 18.11.2017, 16.12.2017, 07.04.2018, 19.05.2018 & finally on 23.06.2018 and the same has been informed to the Appellant and the Counsel for the Appellant in the references 3rd, 5th & 7th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The Appellate Authority has conducted final hearing on the said appeal petition on 23.06.2018, but the appellant/ counsel for the appellant were not attended for the hearing and also no representation is received in spite of notice served to the appellant.

[P.T.O]

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, West Godavari and proceedings of the District Collector, West Godavari, dated 12.08.2017, the Appellate Authority is observed that :

I. The appellant in her grounds has stated that the appellant was born to Smt. Kunja Veeramma at Doramamidi village, who belongs to ST-Koya community . Further she has stated that she is an illiterate person and her date of birth is 01.01.1974 as per Adhar Card and at the age of 4 to 5 years, her mother Kunja Veeramma died, but the appellant grown up as per the Schedule Tribe Community, customs, deities, rituals till her marriage. Further she has also stated that the Tahsildar, Buttaiagudem submitted a report stating that Sampangi Jaya Laxmi and Cherry Vijaya Laxmi are the one and the same and the said observation is not true and correct and the observation in the report Chella Durgamma is sister and they migrated from Vegavaram village near Eluru to Doramamidi village around 10 years back for Rampapukota work etc is also not true and correct. There is no relationship in between Chella Durgamma , Sampangi Jaya Laxmi to the appellant.

II. The District Level Scrutiny Committee has observed that based on the request of Revenue Divisional Officer, Jangareddigudem, the Tahsildar, Buttaigudem has submitted a report stating that Smt. Sampangi Jayalakshmi @ Chirri Vijayalakshmi W/o Venkateswara Rao is the own sister of Smt. Chella Durgamma W/o Venkateswara Rao and they have migrated from Vegavaram Village near Eluru to Doramamidi Village a 10 years back for the process of work "Rampapu Kota" and that all of them belong to BC-Vaddilu community and after demise of the husband of Durgamma, about 5 years back, the said Durgamma and her children and the said Jayalakshmi again migrated to Vegavaram Village. So the allegations leveled that there is no relationship in between Chella Durgamma and the appellant are baseless and far away from truth as the appellant failed to produce the documentary proof to prove her claim. The Tahsildar, Gopalapuram has submitted a report stating that the original name of Smt. Chirri Vijayalakshmi is Sampangi Jayalakshmi D/o Peda Venkatrao and obtained a TC No.593 17 dt: 06.07.1982, issued by ZPPH School, Jangareddigudem and that she joined in ZPPH School, Gopalapuram in 10th class on 09.07.1982 and the caste registered in School admission records of ZPPH School, Gopalapuram as 'Vaddilu' vide Admission No.2450 and she got TC No.73268 dt: 14.12.1982, Study and Conduct Certificate on 17.05.2014 from ZPPH School, Gopalapuram. After verifying the said Study and Conduct certificates, it was revealed that the caste of the said Jayalakshmi was recorded as BC-Vaddilu. So, in view of the said facts, it is clear that the Tahsildar, Gopalapuram has come to a right conclusion with regard to the caste of the appellant herein. So the contra allegations that she has not studied 10th class and she studied only 3rd standard as her mother died at the age of 5 years are baseless and far away from truth as the appellant except oral statement and pleaded, failed to produce the documentary proof to prove her contention. But, the appellant has failed to produce the documentary proof to prove that aspect though the appellant has given an ample opportunity to prove her claim before the officials concerned from time to time, Enquiry Officer, District Level Scrutiny Committee(DLSC) and before the District Collector, West Godavari. Based on the findings of the DLSC, the District Collector has cancelled the appellant's caste certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority is observed that during the course of hearing of the case that the appellant submitted her arguments as per her grounds in appeal petition and stated that the lower authority failed to observe that her mother belongs to Koya community and she is illiterate and at the age of 4 to 5 years of her that her mother died and she grown up as per ST community till her marriage and the revenue official enquiry facts are not true and correct and not studied 10th class and she was identified as Schedule Tribe as such on the impugned order shall be cancelled. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and she failed to produce any evidence that his father belongs to ST Community. It is also observed as per the revenue enquiry that the original name of the appellant is Sampangi Jayalakshmi and that she joined in ZPPH School, Gopalapuram in 10th class on 09-07-1982 and caste registered in school admission records as Vaddilu (BC). It is further brought to the notice that the certificate

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earlier issued to the individual in a routine manner and the same was cancelled after conducting detailed and thorough enquiry into the caste status of the individual. That as per the Act, the burden of proof lies on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case that the appellant except relaying the evidence filed before the lower authority failed to produce any additional material for re-appreciation of the case on hand. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, West Godavari District.

7. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Smt. Chirri Vijaya Laxmi, W/o Chirri Venkateswara Rao, does not deserve any interference. Hence, Proceedings of the District Collector, West Godavari issued vide R.Dis.No.C3/E-10472/2016, dated 12.08.2017, is hereby upheld and the Appeal Petition filed by Smt. Chirri Vijaya Laxmi, W/o Chirri Venkateswara Rao, is hereby dismissed and the Certificate issued by the then Tahsildar, Jeelugumalli is deemed to be cancelled .

8. The District Collector, West Godavari is directed to take necessary consequential action in the matter.

9. The records (containing R.Dis.No.C3/E-10472/2016, CF: 1-322, NF: 1-38) received from the District Collector, West Godavari through in the reference 6th read above, are returned herewith in original to the District Collector, West Godavari and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, West Godavari .
(with original records) (BY RPAD)

Smt. Chirri Vijaya Lakshmi,
W/o Chirri Venkateswara Rao,
Occ: M.P.T.C. Member,
R/o Rammannapalem Village, Jeelugumilli Mandal,
West Godavari District.

Sri S. Ramachandra Rao, Advocate,
Opp: Saibaba Temple,
N.R.Peta, Eluru-6.

The District Panchayat Officer, West Godavari District.
Copy to :
The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE& TWE).
The PS to Principal Secretary(SW& TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER